

THE HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES GINZKEY, RICHARD
FITZGERALD, CHARLES CERF, BARRY
DONNER, and on behalf of the class members
described below,

Plaintiffs,

v.

NATIONAL SECURITIES CORPORATION,
a Washington Corporation,

Defendant.

Case No.: 2:18-cv-01773-RSM

**STIPULATED MOTION TO REVISE
SCHEDULING ORDER REGARDING
CLASS CERTIFICATION**

NOTE ON MOTION CALENDAR:
JANUARY 14, 2020
WITHOUT ORAL ARGUMENT

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1 Plaintiffs James Ginzkey, Richard Fitzgerald, Charles Cerf, and Barry Donner
 2 (collectively, "Plaintiffs") and Defendant National Securities Corporation ("Defendant")
 3 (collectively, the "Parties"), by and through their undersigned attorneys, hereby submit this
 4 Stipulated Motion to Revise the Scheduling Order Regarding Class Certification in this case.

5 **IT IS HEREBY STIPULATED:**

6 WHEREAS, Plaintiffs filed the Complaint in this action on December 10, 2018
 7 (ECF No. 1);

8 WHEREAS, the Court issued an Order on October 7, 2019 on the Parties' prior Stipulated
 9 Motion to Revise the Scheduling Order (ECF No. 35). The Court set a deadline for the Parties to
 10 complete discovery on class certification by February 3, 2020. The Court set a deadline for
 11 Plaintiffs to file a motion for class certification by March 2, 2020;

12 WHEREAS, the Parties are conducting discovery on class certification through written
 13 discovery requests, document productions, and depositions. In order to respond to discovery
 14 requests, Defendants are in the process of reviewing over 140,000 pages of documents and
 15 anticipate the need to collect additional documents. The Parties also need to take at least five
 16 depositions prior to briefing class certification issues;

17 WHEREAS, given the complexity of the class certification issues, the volume of document
 18 discovery to be conducted, and the witnesses' and counsel's availability for depositions, the Parties
 19 anticipate that they will require additional time to complete discovery regarding class certification;

20 WHEREAS, should the Court grant the Parties' request to revise the Scheduling Order, the
 21 Parties have agreed to conduct the necessary depositions pursuant to the following schedule:

- 22 ■ Rule 30(b)(6) Deposition of Defendant on February 25, 2020 in New York, NY;
- 23 ■ Deposition of Plaintiffs James Ginzkey and Richard Fitzgerald on March 2, 2020
 24 and March 3, 2020 in Chicago, IL;
- 25 ■ Deposition of Plaintiff Barry Donner on March 11, 2020, in Orange County, CA;
- 26 ■ Deposition of Plaintiff Charles Cerf on March 23, 2020 in Washington, DC;

WHEREAS, there is good cause to continue the deadlines for class certification discovery and briefing given the amount of time required to conduct all necessary discovery on class certification issues. In particular, the Parties anticipate that they will need approximately 90 additional days to collect and exchange documents, prepare for and take depositions, confer on any discovery issues, and make any necessary discovery motions;

WHEREAS, the Parties therefore request that the Court revise its Rule 16(b) and Rule 23(d) Scheduling Order Regarding Class Certification, and its Order of October 7, 2020, to allow time for the Parties to adequately conduct discovery on and brief the class certification issues;

NOW THEREFORE, in consideration of the Parties' stipulation and good cause shown, the Parties respectfully request the Court's approval of this Motion and an Order revising the Scheduling Order as follows:

Deadline to complete discovery on class certification (not to be construed as a bifurcation of discovery)	May 4, 2020
Deadline for Plaintiffs to file motion for class certification (noted on the fourth Friday after filing and service of the motion pursuant to Local Rules W.D. Wash. LCR 7(d)(3) unless the parties agree to different times for filing the response and reply memoranda).	June 4, 2020

DATED: January 14, 2020

By: s/ Alexander N. Loftus

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DATED: January 14, 2020

By: s/ James R. Morrison

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2 **IT IS SO ORDERED.**
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4 DATED: _____, 2020

5 By: _____
6 **HON. RICARDO S. MARTINEZ**
7 **UNITED STATES DISTRICT JUDGE**
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